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*Attorneys for Defendants Diamondback Shooting Sports, Inc.,  
Loan Prairie, LLC d/b/a The Hub, SNG Tactical, LLC and Sprague's Sports, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Estados Unidos Mexicanos,

Plaintiff,

vs.

Diamondback Shooting Sports, Inc., an  
Arizona corporation; SNG Tactical, LLC,  
an Arizona limited liability company;  
Loan Prairie, LLC D/B/A The Hub, an  
Arizona limited liability company; Ammo  
A-Z, LLC, an Arizona limited liability  
company; Sprague's Sports, Inc., an  
Arizona corporation,

Defendants.

Judge Cindy K. Jorgenson

Case No: 4:22-cv-00472-CKJ

**DIAMONDBACK SHOOTING SPORTS,  
INC.'S ANSWER  
AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S COMPLAINT**

**JURY TRIAL DEMANDED**

Defendant Diamondback Shooting Sports, Inc., ("Diamondback") by and through its attorneys,

1 Renzulli Law Firm, LLP and Lorber, Greenfield & Olsen, LLP, respectfully submits its Answer to  
2 Plaintiff's Complaint as follows:

3  
4 **I. INTRODUCTION**

5 1. Diamondback denies the allegations in Paragraph 1 of the Complaint, except admits that  
6 it is a Federal Firearms Licensee located in the State of Arizona. To the extent the allegations in  
7 Paragraph 1 of the Complaint are directed to other defendants, Diamondback denies knowledge or  
8 information sufficient to form a belief about the truth of such allegations, and refers all questions of law  
9 to this Honorable Court.

10 2. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
11 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 2 of the Complaint,  
12 so same are denied, but Diamondback specifically denies any allegation in Paragraph 2 of the Complaint  
13 that Diamondback had actual or constructive knowledge of any alleged illegally activity taking place in its  
14 premises.  
15

16 3. Diamondback denies the allegations in Paragraph 3 of the Complaint. To the extent the  
17 allegations in Paragraph 3 of the Complaint are directed to other defendants, Diamondback denies  
18 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
19

20 4. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 4 of the Complaint,  
22 so same are denied, but Diamondback specifically denies any allegation in Paragraph 4 of the Complaint  
23 that Diamondback had actual or constructive knowledge of any alleged illegally activity taking place in its  
24 premises.

25 5. Diamondback denies the allegations in Paragraph 5 of the Complaint. To the extent the  
26 allegations in Paragraph 5 of the Complaint are directed to other defendants, Diamondback denies  
27 knowledge or information sufficient to form a belief about the truth of such allegations so same are denied.  
28

1           6.       Diamondback denies the allegations in Paragraph 6 of the Complaint. To the extent the  
2 allegations in Paragraph 6 of the Complaint are directed to other defendants, Diamondback denies  
3 knowledge or information sufficient to form a belief about the truth of such allegations. To the extent the  
4 allegations in Paragraph 6 of the Complaint relate to Plaintiff's purported motivation in bringing this  
5 lawsuit, Diamondback denies knowledge or information sufficient to form a belief. Defendant refers all  
6 questions of law to this Honorable Court.

7  
8           7.       Diamondback denies the allegations in Paragraph 7 of the Complaint and refers all questions  
9 of law to this Honorable Court.

10           8.       Diamondback states that the allegations in Paragraph 8 of the Complaint are not directed to  
11 any defendant, and as such, no response is required. To the extent that a response is required, it denies  
12 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 of the  
13 Complaint.

14  
15           9.       Diamondback denies the allegations in Paragraph 9 of the Complaint. To the extent the  
16 allegations in Paragraph 9 of the Complaint are directed to other defendants, Diamondback denies  
17 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

18           10.      Diamondback denies the allegations in Paragraph 10 of the Complaint. To the extent the  
19 allegations in Paragraph 10 of the Complaint are directed to other defendants, Diamondback denies  
20 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
21 To the extent the allegations in Paragraph 10 relate to information outside the knowledge of any defendant,  
22 Diamondback denies knowledge or information sufficient to form a belief.

23  
24           11.      Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50) and the choice of law analysis  
25 contained therein, Mexican law does not apply. Notwithstanding, Diamondback denies the allegations in  
26 Paragraph 11 of the Complaint to the extent they relate to purported violations of U.S. federal and state  
27 statutes, and refers all questions of law to this Honorable Court. To the extent the allegations in Paragraph  
28

1 11 of the Complaint are directed to other defendants, Diamondback denies knowledge or information  
2 sufficient to form a belief about the truth of such allegations, so same are denied.

3 12. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
4 (Counts Nine through Thirteen of the Complaint) and Arizona Consumer Fraud Act claim (Count Seven of  
5 the Complaint) were dismissed, and as such, no response to such allegations or claims is required.  
6 Notwithstanding, Diamondback denies the factual allegations in Paragraph 12 of the Complaint, and refers  
7 all questions of law to this Honorable Court. To the extent the allegations in Paragraph 12 of the Complaint  
8 are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief  
9 about the truth of such allegations, so same are denied.  
10

11 13. Paragraph 13 of the Complaint solely outlines a request for relief, to which a response is  
12 not required. To the extent that a response is required, Diamondback denies the allegations in Paragraph 13  
13 of the Complaint, notes that the U.S. Government already monitors defendants' firearms sales practices  
14 through the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and  
15 refers all questions of law to this Honorable Court.  
16

## 17 II. PARTIES

18 14. Diamondback admits that Plaintiff is a sovereign nation that shares a border with the United  
19 States. The remaining allegations in Paragraph 14 of the Complaint call for legal conclusions to which no  
20 response is required. To the extent that a response is required, Diamondback denies the allegations in  
21 Paragraph 14 of the Complaint, and refers all questions of law to this Honorable Court.  
22

23 15. Diamondback denies the allegations in Paragraph 15 of the Complaint, except admits that it  
24 is a corporation organized and existing under the laws of the State of Arizona.

25 16. Diamondback states that the allegations in Paragraph 16 of the Complaint are directed to  
26 another defendant. To the extent that a response is required, it denies knowledge or information sufficient to  
27 form a belief about the truth of the allegations in Paragraph 16 of the Complaint, and refers all questions of  
28

1 law to this Honorable Court.

2 17. Diamondback states that the allegations in Paragraph 17 of the Complaint are directed to  
3 another defendant. To the extent that a response is required, it denies knowledge or information sufficient to  
4 form a belief about the truth of the allegations in Paragraph 17 of the Complaint, and refers all questions of  
5 law to this Honorable Court.

6 18. Diamondback states that the allegations in Paragraph 18 of the Complaint are directed to  
7 another defendant. To the extent that a response is required, it denies knowledge or information sufficient to  
8 form a belief about the truth of the allegations in Paragraph 18 of the Complaint, and refers all questions of  
9 law to this Honorable Court.

10 19. Diamondback states that the allegations in Paragraph 19 of the Complaint are directed to  
11 another defendant. To the extent that a response is required, it denies knowledge or information sufficient to  
12 form a belief about the truth of the allegations in Paragraph 19 of the Complaint, and refers all questions of  
13 law to this Honorable Court.

14 20. Diamondback denies the allegations in Paragraph 20 of the Complaint. To the extent that the  
15 allegations in Paragraph 20 of the Complaint are directed to other defendants, Diamondback denies  
16 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

### 17 **III. JURISDICTION AND VENUE**

18 21. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
19 (Counts Nine through Thirteen of the Complaint) were dismissed, and as such, such claims do not form the  
20 basis for subject matter jurisdiction. Diamondback admits that there is complete diversity between the  
21 Plaintiff and defendants, denies that Plaintiff's claims for damages have any value, and refers all questions  
22 of law to this Honorable Court as to whether diversity jurisdiction exists.

23 22. Diamondback denies that any "events or omissions" committed by it give rise to any claim  
24 being brought by Plaintiff, but admits that based on the allegations in the Complaint, venue is proper in this  
25  
26  
27  
28

District.

#### IV. DEFENDANTS

23. Diamondback denies the allegations in Paragraph 23 of the Complaint. To the extent that the allegations in Paragraph 23 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

24. Diamondback denies the allegations in Paragraph 24 of the Complaint. To the extent that the allegations in Paragraph 24 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

25. Diamondback denies the allegations in Paragraph 25 of the Complaint To the extent that the allegations in Paragraph 25 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

26. Diamondback denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26 of the Complaint, so same are denied.

27. Diamondback denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27 of the Complaint, so same are denied.

28. Diamondback denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28 of the Complaint, so same are denied.

29. Diamondback denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29 of the Complaint, so same are denied.

30. The allegations in Paragraph 30 of the Complaint relate to Plaintiff's intentions related to filing this lawsuit and the substance of its legal claims, to which no response is required by this Defendant. To the extent that a response is required, Diamondback denies that it knowingly and systematically participates in any scheme to traffic firearms into Mexico, and denies knowledge or information to form a belief about the truth of the allegations in Paragraph 30 of the Complaint as asserted against other

1 defendants, so same are denied.

2 31. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
3 the allegations in Paragraph 31 of the Complaint regarding the number of federal firearms licensees located  
4 in Arizona or the population of Arizona, so same are denied. Diamondback denies the remaining allegations  
5 in Paragraph 31 of the Complaint.  
6

7 32. Diamondback denies the allegations in Paragraph 32 of the Complaint. To the extent that the  
8 allegations in Paragraph 32 of the Complaint are directed to other defendants, Diamondback denies  
9 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

10 33. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
11 the allegations in Paragraph 33 of the Complaint, so same are denied.

12 34. Diamondback denies the allegations in Paragraph 34 of the Complaint regarding the cartels  
13 seeking out defendants' stores and denies knowledge or information sufficient to form a belief about the  
14 truth of the allegations in Paragraph 34 of the Complaint regarding the number of gun dealers between  
15 Nogales, Arizona and Diamondback, so same are denied. To the extent that the allegations in Paragraph 34  
16 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient  
17 to form a belief about the truth of such allegations, so same are denied.  
18

19 35. Diamondback denies the allegations in Paragraph 35 of the Complaint. To the extent that the  
20 allegations in Paragraph 35 of the Complaint are directed to other defendants, Diamondback denies  
21 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
22

23 36. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
24 the allegations in Paragraph 36 of the Complaint as to what a federal judge said or didn't say in an opinion  
25 in 2003, but notes that Diamondback was not a party to the lawsuit referenced in Paragraph 36 of the  
26 Complaint and denies that decision has any relevance or effect on the claims in this case.

27 37. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28

1 the allegations in Paragraph 37 of the Complaint, but denies that the number of traces connected to a  
2 particular federal firearms licensee is evidence of any illegal, intentional or negligent conduct by such  
3 licensee, as ATF has indicated on numerous occasions. Diamondback further denies knowledge or  
4 information sufficient to form a belief about the truth as to what a federal judge said or didn't say in an  
5 opinion in 2003, but notes that Diamondback was not a party to the lawsuit referenced in Paragraph 37 of  
6 the Complaint and denies that decision has any relevance or effect on the claims in this case.  
7

8 38. Diamondback denies the allegations in Paragraph 38 of the Complaint. To the extent that  
9 the allegations in Paragraph 38 of the Complaint are directed to other defendants, Diamondback denies  
10 knowledge or information sufficient to form a belief about the truth of such allegations, so same are  
11 denied.  
12

13 39. Diamondback denies the allegations in Paragraph 39 of the Complaint. To the extent that the  
14 allegations in Paragraph 39 of the Complaint are directed to other defendants, Diamondback denies  
15 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
16

17 40. Diamondback denies the allegations in Paragraph 40 of the Complaint. To the extent that the  
18 allegations in Paragraph 40 of the Complaint are directed to other defendants, Diamondback denies  
19 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
20

21 41. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
22 to the action herein, and as such, no response to portions of Paragraph 41 of the Complaint is required.  
23 Diamondback denies that it engages in any of the activities alleged in Paragraph 41 of the Complaint, refers  
24 all questions of law to this Honorable Court, but admits that a licensed dealer who knowingly transfers or  
25 sells a firearm to a person it knows is not the "actual transferee/buyer" of the firearm, as that term is defined  
26 by the ATF, may be in violation of U.S. law.  
27

28 42. Diamondback denies the allegations in Paragraph 42 of the Complaint except admits that  
pursuant to 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a, federally licensed dealers are required to



1 file a Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form 3310.4) when two  
2 or more handguns are disposed of to a non-licensee within a five (5) business day period, and this Report is  
3 sent to ATF and a designated local law enforcement agency.

4 43. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
5 the allegations in Paragraph 43 of the Complaint except admits federally licensed dealers located in  
6 Arizona, California, New Mexico and Texas are required to file a Report of Multiple Sale or Other  
7 Disposition of Certain Rifles (ATF Form 3310.12) when two or more semiautomatic rifles capable of  
8 accepting a detachable magazine and with a caliber greater than .22 are disposed of within a five (5)  
9 business day period to an unlicensed person.

10  
11 44. Diamondback denies the allegations in Paragraph 44 of the Complaint. To the extent that the  
12 allegations in Paragraph 44 of the Complaint refer to “buyers,” “traffickers,” and the “illegal market in  
13 Mexico,” Diamondback denies knowledge or information sufficient to form a belief about the truth of such  
14 allegations, so same are denied.

15  
16 45. Diamondback denies the allegations in Paragraph 45 of the Complaint. To the extent that the  
17 allegations in Paragraph 45 of the Complaint are directed to other defendants, Diamondback denies  
18 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

19 46. Diamondback denies the allegations in Paragraph 46 of the Complaint.

20  
21 47. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
22 the allegations in Paragraph 47 of the Complaint as to what a federal judge said or didn’t say in an opinion  
23 in 2003, but notes that Diamondback was not a party to the lawsuit referenced in Paragraph 47 of the  
24 Complaint and denies that decision has any relevance or effect on the claims in this case.

25 48. Diamondback denies the allegations in Paragraph 48 of the Complaint. To the extent that the  
26 allegations in Paragraph 48 of the Complaint are directed to other defendants, Diamondback denies  
27 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
28

1           49.     Diamondback denies the allegations in Paragraph 49 of the Complaint and refers all  
2 questions of law to this Honorable Court.

3           50.     Diamondback denies the allegations in Paragraph 50 of the Complaint. To the extent that the  
4 allegations in Paragraph 50 of the Complaint are directed to other defendants, Diamondback denies  
5 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
6

7           51.     Diamondback denies the allegations in Paragraph 51 of the Complaint.

8           52.     Diamondback denies the allegations in Paragraph 52 of the Complaint and refers all  
9 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 52 of the  
10 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
11 form a belief about the truth of such allegations, so same are denied.  
12

13           53.     Diamondback denies the allegations in Paragraph 53 of the Complaint. To the extent that the  
14 allegations in Paragraph 53 of the Complaint are directed to other defendants, Diamondback denies  
15 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
16

## 17                           **V.     EXAMPLES OF SPECIFIC SALES**

18           54.     Diamondback denies the allegations in Paragraph 54 of the Complaint. To the extent that the  
19 allegations in Paragraph 54 of the Complaint are directed to other defendants, Diamondback denies  
20 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
21

22           55.     Diamondback denies the allegations in Paragraph 55 of the Complaint. To the extent that the  
23 allegations in Paragraph 55 of the Complaint are directed to other defendants, Diamondback denies  
24 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
25

26           56.     There are no allegations of fact contained in Paragraph 56 of the Complaint, but  
27 Diamondback denies any implication or inference of wrongdoing contained in Paragraph 56 of the  
28 Complaint.

          57.     Diamondback denies knowledge or information sufficient to form a belief about the truth of

1 the allegations in Paragraph 57 of the Complaint, as they are not directed to Diamondback, so same are  
2 denied.

3 58. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 the allegations in Paragraph 58 of the Complaint, as they are not directed to Diamondback, so same are  
5 denied.

6  
7 59. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
8 the allegations in Paragraph 59 of the Complaint, as they are not directed to Diamondback, so same are  
9 denied.

10 60. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
11 the allegations in Paragraph 60 of the Complaint, as they are not directed to Diamondback, so same are  
12 denied.

13 61. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 the allegations in Paragraph 61 of the Complaint, as they are not directed to Diamondback, so same are  
15 denied.

16  
17 62. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
18 the allegations in Paragraph 62 of the Complaint, as they are not directed to Diamondback, so same are  
19 denied.

20 63. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 the allegations in Paragraph 63 of the Complaint, as they are not directed to Diamondback, so same are  
22 denied.

23  
24 64. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
25 the allegations in Paragraph 64 of the Complaint, as they are not directed to Diamondback, so same are  
26 denied.

27 65. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28

1 the allegations in Paragraph 65 of the Complaint, as they are not directed to Diamondback, so same are  
2 denied.

3 66. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 the allegations in Paragraph 66 of the Complaint, as they are not directed to Diamondback, so same are  
5 denied.

6 67. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 the allegations in Paragraph 67 of the Complaint, as they are not directed to Diamondback, so same are  
8 denied.

9 68. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
10 the allegations in Paragraph 68 of the Complaint, as they are not directed to Diamondback, so same are  
11 denied.

12 69. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 the allegations in Paragraph 69 of the Complaint, as they are not directed to Diamondback, so same are  
14 denied.

15 70. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 the allegations in Paragraph 70 of the Complaint, as they are not directed to Diamondback, so same are  
17 denied.

18 71. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
19 the allegations in Paragraph 71 of the Complaint, as they are not directed to Diamondback, so same are  
20 denied.

21 72. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
22 the allegations in Paragraph 72 of the Complaint, as they are not directed to Diamondback, so same are  
23 denied.

24 73. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
25  
26  
27  
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1 the allegations in Paragraph 73 of the Complaint, as they are not directed to Diamondback, so same are  
2 denied.

3 74. Diamondback denies the allegations in Paragraph 74 of the Complaint and refers all  
4 questions of law to this Honorable Court.

5 75. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
6 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 75 of the  
7 Complaint, so same are denied, but Diamondback specifically denies any allegation in Paragraph 75 of the  
8 Complaint that Diamondback had actual or constructive knowledge of any alleged illegally activity taking  
9 place in its premises.  
10

11 76. Diamondback denies the allegations in Paragraph 76 of the Complaint and refers all  
12 questions of law to this Honorable Court.

13 77. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 the allegations in Paragraph 77 of the Complaint, as they are not directed to Diamondback, so same are  
15 denied.  
16

17 78. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
18 the allegations in Paragraph 78 of the Complaint, as they are not directed to Diamondback, so same are  
19 denied.  
20

21 79. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
22 the allegations in Paragraph 79 of the Complaint, as they are not directed to Diamondback, so same are  
23 denied.

24 80. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
25 the allegations in Paragraph 80 of the Complaint, as they are not directed to Diamondback, so same are  
26 denied.

27 81. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28

1 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 81 of the  
2 Complaint, so same are denied, but Diamondback specifically denies any allegation in Paragraph 81 of the  
3 Complaint that Diamondback had actual or constructive knowledge of any alleged illegally activity taking  
4 place in its premises.

5  
6 82. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 82 of the  
8 Complaint, so same are denied, but Diamondback specifically denies any allegation in Paragraph 82 of the  
9 Complaint that Diamondback had actual or constructive knowledge of any alleged illegally activity taking  
10 place in its premises.

11  
12 83. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 the allegations in Paragraph 83 of the Complaint, as they are not directed to Diamondback, so same are  
14 denied.

15  
16 84. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
17 the allegations in Paragraph 84 of the Complaint, as they are not directed to Diamondback, so same are  
18 denied.

19  
20 85. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 the allegations in Paragraph 85 of the Complaint, as they are not directed to Diamondback, so same are  
22 denied.

23  
24 86. Diamondback denies the allegations in Paragraph 86 of the Complaint and refers all  
25 questions of law to this Honorable Court.

26  
27 87. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28 the allegations in Paragraph 87 of the Complaint, as they are not directed to Diamondback, so same are  
denied.

88. Diamondback denies knowledge or information sufficient to form a belief about the truth of

1 the allegations in Paragraph 88 of the Complaint, as they are not directed to Diamondback, so same are  
2 denied.

3 89. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 the allegations in Paragraph 89 of the Complaint, as they are not directed to Diamondback, so same are  
5 denied.

6 90. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 the allegations in Paragraph 90 of the Complaint, as they are not directed to Diamondback, so same are  
8 denied.

9 91. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
10 the allegations in Paragraph 91 of the Complaint, as they are not directed to Diamondback, so same are  
11 denied.

12 92. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 the allegations in Paragraph 92 of the Complaint, as they are not directed to Diamondback, so same are  
14 denied.

15 93. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 the actions of the United States or persons unaffiliated with Diamondback in Paragraph 93 of the  
17 Complaint, so same are denied, but Diamondback specifically denies any allegation in Paragraph 93 of the  
18 Complaint that Diamondback had actual or constructive knowledge of any alleged illegally activity taking  
19 place in its premises.

20 94. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 the allegations in Paragraph 94 of the Complaint, as they are not directed to Diamondback, so same are  
22 denied.

23 95. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
24 the allegations in Paragraph 95 of the Complaint, as they are not directed to Diamondback, so same are  
25 denied.

1 denied.

2 96. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
3 the allegations in Paragraph 96 of the Complaint, as they are not directed to Diamondback, so same are  
4 denied.

5 97. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
6 the allegations in Paragraph 97 of the Complaint, as they are not directed to Diamondback, so same are  
7 denied.

8 98. Diamondback denies the allegations in Paragraph 98 of the Complaint and refers all  
9 questions of law to this Honorable Court.

10 99. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
11 the allegations in Paragraph 99 of the Complaint, as they are not directed to Diamondback, so same are  
12 denied.

13 100. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 the allegations in Paragraph 100 of the Complaint, as they are not directed to Diamondback, so same are  
15 denied.

16 101. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
17 the allegations in Paragraph 101 of the Complaint, as they are not directed to Diamondback, so same are  
18 denied.

19 102. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
20 the allegations in Paragraph 102 of the Complaint, as they are not directed to Diamondback, so same are  
21 denied.

22 103. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
23 the allegations in Paragraph 103 of the Complaint, as they are not directed to Diamondback, so same are  
24 denied.



1           104. Diamondback denies the allegations in Paragraph 104 of the Complaint and refers all  
2 questions of law to this Honorable Court.

3           105. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 the allegations in Paragraph 105 of the Complaint, as they are not directed to Diamondback, so same are  
5 denied.

6           106. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 the allegations in Paragraph 106 of the Complaint, as they are not directed to Diamondback, so same are  
8 denied.

9           107. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
10 the allegations in Paragraph 107 of the Complaint, as they are not directed to Diamondback, so same are  
11 denied.

12           108. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 the allegations in Paragraph 108 of the Complaint, as they are not directed to Diamondback, so same are  
14 denied.

15           109. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 the allegations in Paragraph 109 of the Complaint, as they are not directed to Diamondback, so same are  
17 denied.

18           110. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
19 the allegations in Paragraph 110 of the Complaint, as they are not directed to Diamondback, so same are  
20 denied.

21           111. Diamondback denies the allegations in Paragraph 111 of the Complaint and refers all  
22 questions of law to this Honorable Court.

23           112. Diamondback denies the allegations in Paragraph 112 of the Complaint and refers all  
24 questions of law to this Honorable Court. To the extent the allegations in Paragraph 112 of the Complaint  
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1 are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief  
2 about the truth of such allegations, so same are denied.

3 113. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 the allegations in Paragraph 113 of the Complaint, as they are not directed to Diamondback, so same are  
5 denied.

6  
7 114. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
8 the allegations in Paragraph 114 of the Complaint, as they are not directed to Diamondback, so same are  
9 denied.

10 115. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
11 the allegations in Paragraph 115 of the Complaint, as they are not directed to Diamondback, so same are  
12 denied.

13 116. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 the allegations in Paragraph 116 of the Complaint, as they are not directed to Diamondback, so same are  
15 denied.

16  
17 117. Diamondback denies the allegations in Paragraph 117 of the Complaint and refers all  
18 questions of law to this Honorable Court. To the extent the allegations in Paragraph 117 of the Complaint  
19 are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief  
20 about the truth of such allegations, so same are denied.

## 21 VI. DATA

22  
23 118. Diamondback denies the allegations in Paragraph 118 of the Complaint. To the extent that  
24 the allegations in Paragraph 118 of the Complaint are directed to other defendants, Diamondback denies  
25 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

26 119. Diamondback denies the allegations in Paragraph 119 of the Complaint. To the extent that  
27 the allegations in Paragraph 119 of the Complaint are directed to other defendants, Diamondback denies  
28

knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

121. Diamondback denies the allegations in Paragraph 121 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 121 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations.

123. Diamondback denies the allegations in Paragraph 123 of the Complaint. To the extent that the allegations in Paragraph 123 of the Complaint are directed to other defendants and non-parties, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

## VII. DEFENDANTS' LEGAL DUTIES

126. Diamondback denies the allegations in Paragraph 126 of the Complaint and refers all questions of law to this Honorable Court.

1 questions of law to his Honorable Court. To the extent that the allegations in Paragraph 127 of the  
2 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
3 form a belief about the truth of such allegations, so same are denied.

4 128. Diamondback denies the allegations in Paragraph 128 of the Complaint. To the extent that  
5 the allegations in Paragraph 128 of the Complaint are directed to other defendants, Diamondback denies  
6 knowledge or information to form a belief about the truth of such allegations, so same are denied.

7 129. Diamondback denies the allegations in Paragraph 129 of the Complaint and refers all  
8 questions of law to this Honorable Court.

9 130. Diamondback denies the allegations in Paragraph 130 of the Complaint and refers all  
10 questions of law to this Honorable Court.

11 131. Diamondback denies the allegations in Paragraph 131 of the Complaint and refers all  
12 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 131 of the  
13 Complaint are directed to other defendants, Diamondback denies knowledge or information to form a belief  
14 about the truth of such allegations, so same are denied.

15 132. The paragraph designated as “132” of the Complaint includes solely legal conclusions, and  
16 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
17 Diamondback states that the referenced statutes and regulation speak for themselves, and refers all  
18 questions of law to this Honorable Court.

19 133. The paragraph designated as “133” of the Complaint includes solely legal conclusions, and  
20 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
21 Diamondback states that the referenced statutes speak for themselves, and refers all questions of law to this  
22 Honorable Court.

23 134. The paragraph designated as “134” of the Complaint includes solely legal conclusions, and  
24 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
25

1 Diamondback states that the referenced statute speaks for itself, Diamondback lacks knowledge or  
2 information sufficient to form a belief as to why such laws were enacted, and refers all questions of law to  
3 this Honorable Court.

4         135. Portions of the paragraph designated as “135” of the Complaint include solely legal  
5 conclusions, and as such, no response to same is necessary. Diamondback states that the referenced statutes  
6 and regulations speak for themselves, Diamondback lacks knowledge or information sufficient to form a  
7 belief as to why such laws were enacted, and refers all questions of law to this Honorable Court. However,  
8 Diamondback admits that the “Bureau of Alcohol, Tobacco, Firearms and Explosives has partnered with  
9 the National Shooting Sports Foundation . . . in designing an educational program to assist firearm retailers  
10 in the detection and possible deterrence of ‘straw purchasers’ . . .”

11         136. Diamondback denies that the National Shooting Sports Foundation sets “standards” through  
12 its “Don’t Lie for the Other Guy” campaign. Diamondback further states that the literature associated with  
13 that educational campaign speaks for itself, and denies any remaining allegations in Paragraph 136 of the  
14 Complaint.

15         137. Diamondback denies the allegations in Paragraph 137 of the Complaint, except admits that  
16 in most circumstances, before transferring a firearm to any person who is not a licensed dealer, among other  
17 requirements, a licensed dealer may have to conduct a background check, examine the prospective  
18 buyer/transferee’s identification, and record the transaction on a firearm transaction record, also known as  
19 an ATF Form 4473.

20         138. Diamondback denies the allegations in Paragraph 138 of the Complaint, except admits that  
21 in most circumstances, before transferring a firearm to any person who is not a licensed dealer, among other  
22 requirements, a buyer must fill out an ATF Form 4473, which currently contains question 21(a), which  
23 states the following: “Are you the actual transferee/buyer of all of the firearm(s) listed on this form and any  
24 continuation sheet(s) (ATF Form 5300.9A)? **Warning: You are not the actual transferee/buyer if you**  
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1 **are acquiring any of the firearm(s) on behalf of another person. If you are not the actual**  
2 **transferee/buyer, the licensee cannot transfer any of the firearm(s) to you.** Exception: If you are  
3 only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may  
4 proceed to question 21.b.”

5  
6 139. The paragraph designated as “139” of the Complaint includes solely legal conclusions, and  
7 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
8 Diamondback states that the referenced statutes and regulations speak for themselves, Diamondback lacks  
9 knowledge or information sufficient to form a belief as to why such laws were enacted, and refers all  
10 questions of law to this Honorable Court.

11  
12 140. The paragraph designated as “140” of the Complaint includes solely legal conclusions, and  
13 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
14 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
15 questions of law to this Honorable Court.

16  
17 141. Diamondback states that the ATF Form 4473 speaks for itself, denies any remaining  
18 allegations in Paragraph 141 of the Complaint, and refers all questions of law to his Honorable Court.

19  
20 142. The paragraph designated as “142” of the Complaint includes solely legal conclusions, and  
21 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
22 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
23 questions of law to this Honorable Court.

24  
25 143. The paragraph designated as “143” of the Complaint includes solely legal conclusions, and  
26 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
27 Diamondback states that the referenced statutes speak for themselves, and refers all questions of law to this  
28 Honorable Court.

144. The paragraph designated as “144” of the Complaint includes solely legal conclusions, and

1 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
2 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
3 questions of law to this Honorable Court.

4 145. The paragraph designated as “145” of the Complaint includes solely legal conclusions, and  
5 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
6 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
7 questions of law to this Honorable Court.  
8

9 146. Diamondback denies the allegations in Paragraph 146 of the Complaint and refers all  
10 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 146 of the  
11 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
12 form a belief about the truth of such allegations, so same are denied.  
13

14 147. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
15 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
16 information sufficient to form a belief about the truth of the allegations in Paragraph 147 of the Complaint.

17 148. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
18 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
19 information sufficient to form a belief about the truth of the allegations in Paragraph 148 of the Complaint.  
20

21 149. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
22 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
23 information sufficient to form a belief about the truth of the allegations in Paragraph 149 of the Complaint.

24 150. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
25 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
26 information sufficient to form a belief about the truth of the allegations in Paragraph 150 of the Complaint,  
27 and refers all questions of law to this Honorable Court.  
28

1           151. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
2 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
3 information sufficient to form a belief about the truth of the allegations in Paragraph 151 of the Complaint.

4           152. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
5 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
6 information sufficient to form a belief about the truth of the allegations in Paragraph 152 of the Complaint.

7           153. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
8 to the action herein. To the extent that a response is required, Diamondback denies knowledge or  
9 information sufficient to form a belief about the truth of the allegations in Paragraph 153 of the Complaint.

10           154. The paragraph designated as "154" of the Complaint includes solely legal conclusions, and  
11 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
12 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
13 questions of law to this Honorable Court.

14           155. The paragraph designated as "155" of the Complaint includes solely legal conclusions, and  
15 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
16 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
17 questions of law to this Honorable Court.

18           156. The paragraph designated as "156" of the Complaint includes solely legal conclusions, and  
19 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
20 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
21 questions of law to this Honorable Court.

22           157. The paragraph designated as "157" of the Complaint includes solely legal conclusions, and  
23 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
24 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
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1 questions of law to this Honorable Court.

2       158. The paragraph designated as “158” of the Complaint includes solely legal conclusions, and  
3 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
4 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
5 questions of law to this Honorable Court.

6       159. The paragraph designated as “159” of the Complaint includes solely legal conclusions, and  
7 as such, no response is necessary. However, in the event the Court determines that an answer is required,  
8 Diamondback states that the referenced statutes and regulations speak for themselves, and refers all  
9 questions of law to this Honorable Court.

10       160. The paragraph designated as “160” of the Complaint includes legal conclusions, and as  
11 such, no response is necessary. However, in the event the Court determines that an answer is required,  
12 Diamondback states that the referenced statutes and regulations speak for themselves, refers all questions of  
13 law to this Honorable Court, and admits that murder, drug dealing, extortion, and other criminal acts  
14 committed by Cartels in Mexico would constitute a felony if such acts occurred in the United States.

15       161. Diamondback denies the allegations in Paragraph 161 of the Complaint and refers all  
16 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 161 of the  
17 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
18 form a belief about the truth of such allegations, so same are denied.

19       162. Diamondback denies the allegations in Paragraph 162 of the Complaint and refers all  
20 questions of law to this Honorable Court.

21       163. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
22 to the action herein. To the extent that a response is required, Diamondback denies the allegations in  
23 Paragraph 163 of the Complaint and refers all questions of law to this Honorable Court.

24       164. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
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1 to the action herein. To the extent that a response is required, Diamondback denies the allegations in  
2 Paragraph 164 of the Complaint and refers all questions of law to this Honorable Court.

3 165. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
4 to the action herein. To the extent that a response is required, Diamondback denies the allegations in  
5 Paragraph 165 of the Complaint and refers all questions of law to this Honorable Court.

6 166. Diamondback denies the allegations in Paragraph 166 of the Complaint and refers all  
7 questions of law to this Honorable Court.

8 167. Diamondback denies the allegations in Paragraph 167 of the Complaint and refers all  
9 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 167 of the  
10 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
11 form a belief about the truth of such allegations, so same are denied.

12 168. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
13 to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 168 of the  
14 Complaint and refers all questions of law to this Honorable Court.

15 169. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
16 to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 169 of the  
17 Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in  
18 Paragraph 169 of the Complaint are directed to other defendants, Diamondback denies knowledge or  
19 information sufficient to form a belief about the truth of such allegations, so same are denied.

20 170. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
21 to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 170 of the  
22 Complaint and refers all questions of law to this Honorable Court.

23 171. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not apply  
24 to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 171 of the  
25

1 Complaint and refers all questions of law to this Honorable Court.

2 172. Diamondback denies the allegations in Paragraph 172 of the Complaint and refers all  
3 questions of law to this Honorable Court.

4 173. Diamondback denies the allegations in Paragraph 173 of the Complaint and refers all  
5 questions of law to this Honorable Court.

6 174. Diamondback denies the allegations in Paragraph 174 of the Complaint and refers all  
7 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 174 of the  
8 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
9 form a belief about the truth of such allegations, so same are denied.

10 175. Diamondback denies the allegations in Paragraph 175 of the Complaint and refers all  
11 questions of law to this Honorable Court.

12 176. Diamondback denies the allegations in Paragraph 176 of the Complaint and refers all  
13 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 176 of the  
14 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
15 form a belief about the truth of such allegations, so same are denied.

16 177. Diamondback denies the allegation as to what these defendants can “justly complain” of in  
17 terms of the Mexico’s unwillingness, inability and ineptitude in controlling, preventing and stemming  
18 criminal activity within its borders, but denies information or knowledge sufficient to form a belief as to  
19 specific programs conducted by law enforcement as set forth in Paragraph 177 of the Complaint.

20 178. Diamondback denies the allegations in Paragraph 178 of the Complaint.

#### 21 **VIII. DEFENDANTS’ ALLEGED RICO VIOLATIONS**

22 179. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s RICO claims  
23 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
24 related to or in support of Plaintiff’s RICO claims is required. Notwithstanding, Diamondback denies any  
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1 factual allegations in Paragraph 179 of the Complaint directed against it, refers all questions of law to this  
2 Honorable Court, and to the extent any allegations in Paragraph 179 of the Complaint are directed to other  
3 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 such allegations, so same are denied.

5  
6 180. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
7 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
8 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
9 factual allegations in Paragraph 180 of the Complaint directed against it, refers all questions of law to this  
10 Honorable Court, and to the extent any allegations in Paragraph 180 of the Complaint are directed to other  
11 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
12 such allegations, so same are denied.

13  
14 181. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
15 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
16 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
17 factual allegations in Paragraph 181 of the Complaint directed against it, refers all questions of law to this  
18 Honorable Court, and to the extent any allegations in Paragraph 181 of the Complaint are directed to other  
19 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
20 such allegations, so same are denied.

21  
22 182. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
23 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
24 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
25 factual allegations in Paragraph 182 of the Complaint directed against it, refers all questions of law to this  
26 Honorable Court, and to the extent any allegations in Paragraph 182 of the Complaint are directed to other  
27 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28

1 such allegations, so same are denied.

2       183. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
3 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
4 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
5 factual allegations in Paragraph 183 of the Complaint directed against it, refers all questions of law to this  
6 Honorable Court, and to the extent any allegations in Paragraph 183 of the Complaint are directed to other  
7 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
8 such allegations, so same are denied.

10       184. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
11 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
12 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
13 factual allegations in Paragraph 184 of the Complaint directed against it, refers all questions of law to this  
14 Honorable Court, and to the extent any allegations in Paragraph 184 of the Complaint are directed to other  
15 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 such allegations, so same are denied.

18       185. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
19 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
20 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
21 factual allegations in Paragraph 185 of the Complaint directed against it, refers all questions of law to this  
22 Honorable Court, and to the extent any allegations in Paragraph 185 of the Complaint are directed to other  
23 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
24 such allegations, so same are denied.

26       186. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
27 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
28

1 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
2 factual allegations in Paragraph 186 of the Complaint directed against it, refers all questions of law to this  
3 Honorable Court, and to the extent any allegations in Paragraph 186 of the Complaint are directed to other  
4 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
5 such allegations, so same are denied.

6  
7 187. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
8 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
9 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
10 factual allegations in Paragraph 187 of the Complaint directed against it, refers all questions of law to this  
11 Honorable Court, and to the extent any allegations in Paragraph 187 of the Complaint are directed to other  
12 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 such allegations, so same are denied.

14  
15 188. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
16 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
17 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
18 factual allegations in Paragraph 188 of the Complaint directed against it, refers all questions of law to this  
19 Honorable Court, and to the extent any allegations in Paragraph 188 of the Complaint are directed to other  
20 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 such allegations, so same are denied.

22  
23 189. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
24 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
25 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
26 factual allegations in Paragraph 189 of the Complaint directed against it, refers all questions of law to this  
27 Honorable Court, and to the extent any allegations in Paragraph 189 of the Complaint are directed to other  
28

1 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
2 such allegations, so same are denied.

3         190. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
4 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
5 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
6 factual allegations in Paragraph 190 of the Complaint directed against it, refers all questions of law to this  
7 Honorable Court, and to the extent any allegations in Paragraph 190 of the Complaint are directed to other  
8 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
9 such allegations, so same are denied.  
10

11         191. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
12 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
13 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
14 factual allegations in Paragraph 191 of the Complaint directed against it, refers all questions of law to this  
15 Honorable Court, and to the extent any allegations in Paragraph 191 of the Complaint are directed to other  
16 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
17 such allegations, so same are denied.  
18

19         192. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
20 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
21 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
22 factual allegations in Paragraph 192 of the Complaint directed against it, refers all questions of law to this  
23 Honorable Court, and to the extent any allegations in Paragraph 192 of the Complaint are directed to other  
24 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
25 such allegations, so same are denied.  
26

27         193. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
28



1 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
2 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
3 factual allegations in Paragraph 193 of the Complaint directed against it, refers all questions of law to this  
4 Honorable Court, and to the extent any allegations in Paragraph 193 of the Complaint are directed to other  
5 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
6 such allegations, so same are denied.  
7

8 194. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
9 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
10 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
11 factual allegations in Paragraph 194 of the Complaint directed against it, refers all questions of law to this  
12 Honorable Court, and to the extent any allegations in Paragraph 194 of the Complaint are directed to other  
13 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 such allegations, so same are denied.  
15

16 195. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
17 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
18 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
19 factual allegations in Paragraph 195 of the Complaint directed against it, refers all questions of law to this  
20 Honorable Court, and to the extent any allegations in Paragraph 195 of the Complaint are directed to other  
21 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
22 such allegations, so same are denied.  
23

24 196. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
25 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
26 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
27 factual allegations in Paragraph 196 of the Complaint directed against it, refers all questions of law to this  
28



1 Honorable Court, and to the extent any allegations in Paragraph 196 of the Complaint are directed to other  
2 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
3 such allegations, so same are denied.

4         197. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
5 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
6 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
7 factual allegations in Paragraph 197 of the Complaint directed against it, refers all questions of law to this  
8 Honorable Court, and to the extent any allegations in Paragraph 197 of the Complaint are directed to other  
9 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
10 such allegations, so same are denied.

11         198. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
12 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
13 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
14 factual allegations in Paragraph 198 of the Complaint directed against it, refers all questions of law to this  
15 Honorable Court, and to the extent any allegations in Paragraph 198 of the Complaint are directed to other  
16 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
17 such allegations, so same are denied.

18         199. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
19 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
20 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
21 factual allegations in Paragraph 199 of the Complaint directed against it, refers all questions of law to this  
22 Honorable Court, and to the extent any allegations in Paragraph 199 of the Complaint are directed to other  
23 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
24 such allegations, so same are denied.

1           200. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
2 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
3 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
4 factual allegations in Paragraph 200 of the Complaint directed against it, refers all questions of law to this  
5 Honorable Court, and to the extent any allegations in Paragraph 200 of the Complaint are directed to other  
6 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 such allegations, so same are denied.  
8

9           201. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
10 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
11 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
12 factual allegations in Paragraph 201 of the Complaint directed against it, refers all questions of law to this  
13 Honorable Court, and to the extent any allegations in Paragraph 201 of the Complaint are directed to other  
14 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
15 such allegations, so same are denied.  
16

17           202. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
18 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
19 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
20 factual allegations in Paragraph 202 of the Complaint directed against it, refers all questions of law to this  
21 Honorable Court, and to the extent any allegations in Paragraph 202 of the Complaint are directed to other  
22 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
23 such allegations, so same are denied.  
24

25           203. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
26 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
27 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
28

1 factual allegations in Paragraph 203 of the Complaint directed against it, refers all questions of law to this  
2 Honorable Court, and to the extent any allegations in Paragraph 203 of the Complaint are directed to other  
3 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
4 such allegations, so same are denied.

5  
6 204. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
7 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
8 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
9 factual allegations in Paragraph 204 of the Complaint directed against it, refers all questions of law to this  
10 Honorable Court, and to the extent any allegations in Paragraph 204 of the Complaint are directed to other  
11 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
12 such allegations, so same are denied.

13  
14 205. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
15 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
16 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
17 factual allegations in Paragraph 205 of the Complaint directed against it, refers all questions of law to this  
18 Honorable Court, and to the extent any allegations in Paragraph 205 of the Complaint are directed to other  
19 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
20 such allegations, so same are denied.

21  
22 206. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
23 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
24 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
25 factual allegations in Paragraph 206 of the Complaint directed against it, refers all questions of law to this  
26 Honorable Court, and to the extent any allegations in Paragraph 206 of the Complaint are directed to other  
27 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
28

1 such allegations, so same are denied.

2         207. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
3 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
4 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
5 factual allegations in Paragraph 207 of the Complaint directed against it, refers all questions of law to this  
6 Honorable Court, and to the extent any allegations in Paragraph 207 of the Complaint are directed to other  
7 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
8 such allegations, so same are denied.

9  
10         208. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
11 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
12 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
13 factual allegations in Paragraph 208 of the Complaint directed against it, refers all questions of law to this  
14 Honorable Court, and to the extent any allegations in Paragraph 208 of the Complaint are directed to other  
15 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 such allegations, so same are denied.

17  
18         209. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
19 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
20 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
21 factual allegations in Paragraph 209 of the Complaint directed against it, refers all questions of law to this  
22 Honorable Court, and to the extent any allegations in Paragraph 209 of the Complaint are directed to other  
23 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
24 such allegations, so same are denied.

25  
26         210. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
27 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
28

1 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
2 factual allegations in Paragraph 210 of the Complaint directed against it, refers all questions of law to this  
3 Honorable Court, and to the extent any allegations in Paragraph 210 of the Complaint are directed to other  
4 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
5 such allegations, so same are denied.

6  
7 211. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
8 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
9 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
10 factual allegations in Paragraph 211 of the Complaint directed against it, refers all questions of law to this  
11 Honorable Court, and to the extent any allegations in Paragraph 211 of the Complaint are directed to other  
12 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
13 such allegations, so same are denied.

14  
15 212. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
16 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
17 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
18 factual allegations in Paragraph 212 of the Complaint directed against it, refers all questions of law to this  
19 Honorable Court, and to the extent any allegations in Paragraph 212 of the Complaint are directed to other  
20 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
21 such allegations, so same are denied.

22  
23 213. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
24 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
25 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
26 factual allegations in Paragraph 213 of the Complaint directed against it, refers all questions of law to this  
27 Honorable Court, and to the extent any allegations in Paragraph 213 of the Complaint are directed to other  
28

1 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
2 such allegations, so same are denied.

3         214. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
4 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
5 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
6 factual allegations in Paragraph 214 of the Complaint directed against it, refers all questions of law to this  
7 Honorable Court, and to the extent any allegations in Paragraph 214 of the Complaint are directed to other  
8 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
9 such allegations, so same are denied.

10  
11         215. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
12 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
13 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
14 factual allegations in Paragraph 215 of the Complaint directed against it, refers all questions of law to this  
15 Honorable Court, and to the extent any allegations in Paragraph 215 of the Complaint are directed to other  
16 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
17 such allegations, so same are denied.

18  
19         216. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims  
20 (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to the allegations  
21 related to or in support of Plaintiff's RICO claims is required. Notwithstanding, Diamondback denies any  
22 factual allegations in Paragraph 216 of the Complaint directed against it, refers all questions of law to this  
23 Honorable Court, and to the extent any allegations in Paragraph 216 of the Complaint are directed to other  
24 defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of  
25 such allegations, so same are denied.

26  
27 **IX. DEFENDANTS' ALLEGED CONSUMER FRAUD STATUTE VIOLATIONS**  
28

1           217. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
2 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
3 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
4 Diamondback denies the allegations in Paragraph 217 of the Complaint, refers all questions of law to this  
5 Honorable Court, and to the extent that the allegations in Paragraph 217 of the Complaint are directed to  
6 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
7 of such allegations, so same are denied.  
8

9           218. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
10 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
11 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
12 Diamondback denies the allegations in Paragraph 218 of the Complaint, refers all questions of law to this  
13 Honorable Court, and to the extent that the allegations in Paragraph 218 of the Complaint are directed to  
14 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
15 of such allegations, so same are denied.  
16

17           219. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
18 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
19 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
20 Diamondback denies the allegations in Paragraph 219 of the Complaint, refers all questions of law to this  
21 Honorable Court, and to the extent that the allegations in Paragraph 219 of the Complaint are directed to  
22 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
23 of such allegations, so same are denied.  
24

25           220. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
26 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
27 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
28



1 Diamondback denies the allegations in Paragraph 220 of the Complaint, refers all questions of law to this  
2 Honorable Court, and to the extent that the allegations in Paragraph 220 of the Complaint are directed to  
3 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
4 of such allegations, so same are denied.

5  
6 221. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
7 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
8 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
9 Diamondback denies the allegations in Paragraph 221 of the Complaint, refers all questions of law to this  
10 Honorable Court, and to the extent that the allegations in Paragraph 221 of the Complaint are directed to  
11 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
12 of such allegations, so same are denied.

13  
14 222. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
15 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
16 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
17 Diamondback denies the allegations in Paragraph 222 of the Complaint, refers all questions of law to this  
18 Honorable Court, and to the extent that the allegations in Paragraph 222 of the Complaint are directed to  
19 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
20 of such allegations, so same are denied.

21  
22 223. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
23 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
24 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
25 Diamondback denies the allegations in Paragraph 223 of the Complaint, refers all questions of law to this  
26 Honorable Court, and to the extent that the allegations in Paragraph 223 of the Complaint are directed to  
27 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
28



1 of such allegations, so same are denied.

2       224. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
3 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
4 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
5 Diamondback denies the allegations in Paragraph 224 of the Complaint, refers all questions of law to this  
6 Honorable Court, and to the extent that the allegations in Paragraph 224 of the Complaint are directed to  
7 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
8 of such allegations, so same are denied.

9  
10       225. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
11 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
12 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
13 Diamondback denies the allegations in Paragraph 225 of the Complaint, refers all questions of law to this  
14 Honorable Court, and to the extent that the allegations in Paragraph 225 of the Complaint are directed to  
15 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
16 of such allegations, so same are denied.

17  
18       226. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
19 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
20 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
21 Diamondback denies the allegations in Paragraph 226 of the Complaint, refers all questions of law to this  
22 Honorable Court, and to the extent that the allegations in Paragraph 226 of the Complaint are directed to  
23 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
24 of such allegations, so same are denied.

25  
26       227. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
27 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
28

1 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
2 Diamondback denies the allegations in Paragraph 227 of the Complaint, refers all questions of law to this  
3 Honorable Court, and to the extent that the allegations in Paragraph 227 of the Complaint are directed to  
4 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
5 of such allegations, so same are denied.  
6

7 228. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
8 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
9 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
10 Diamondback denies the allegations in Paragraph 228 of the Complaint, refers all questions of law to this  
11 Honorable Court, and to the extent that the allegations in Paragraph 228 of the Complaint are directed to  
12 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
13 of such allegations, so same are denied.  
14

15 229. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
16 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
17 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
18 Diamondback denies the allegations in Paragraph 229 of the Complaint, refers all questions of law to this  
19 Honorable Court, and to the extent that the allegations in Paragraph 229 of the Complaint are directed to  
20 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
21 of such allegations, so same are denied.  
22

23 230. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
24 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
25 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
26 Diamondback denies the allegations in Paragraph 230 of the Complaint, refers all questions of law to this  
27 Honorable Court, and to the extent that the allegations in Paragraph 230 of the Complaint are directed to  
28

1 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
2 of such allegations, so same are denied.

3         231. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
4 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
5 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
6 Diamondback denies the allegations in Paragraph 231 of the Complaint, refers all questions of law to this  
7 Honorable Court, and to the extent that the allegations in Paragraph 231 of the Complaint are directed to  
8 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
9 of such allegations, so same are denied.

10  
11         232. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
12 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
13 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
14 Diamondback denies the allegations in Paragraph 232 of the Complaint, refers all questions of law to this  
15 Honorable Court, and to the extent that the allegations in Paragraph 232 of the Complaint are directed to  
16 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
17 of such allegations, so same are denied.

18  
19         233. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
20 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no response  
21 to the allegations related to or in support of Plaintiff's CFA claims is required. Notwithstanding,  
22 Diamondback denies the allegations in Paragraph 233 of the Complaint, refers all questions of law to this  
23 Honorable Court, and to the extent that the allegations in Paragraph 233 of the Complaint are directed to  
24 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
25 of such allegations, so same are denied.

26  
27         234. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona  
28

1 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no response  
2 to the allegations related to or in support of Plaintiff’s CFA claims is required. Notwithstanding,  
3 Diamondback denies the allegations in Paragraph 234 of the Complaint, refers all questions of law to this  
4 Honorable Court, and to the extent that the allegations in Paragraph 234 of the Complaint are directed to  
5 other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth  
6 of such allegations, so same are denied.  
7

8 **X. DEFENDANTS’ ALLEGED HARM TO GOVERNMENT**

9 235. Diamondback denies the allegations in Paragraph 235 of the Complaint. To the extent that  
10 the allegations in Paragraph 235 of the Complaint are directed to other defendants, Diamondback denies  
11 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.  
12

13 236. Diamondback denies the allegations in Paragraph 236 of the Complaint and refers all  
14 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 236 of the  
15 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
16 form a belief about the truth of such allegations, so same are denied.  
17

18 237. Diamondback denies the allegations in Paragraph 237 of the Complaint and refers all  
19 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 237 of the  
20 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
21 form a belief about the truth of such allegations, so same are denied.  
22

23 238. Diamondback denies the allegations in Paragraph 238 of the Complaint and refers all  
24 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 238 of the  
25 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
26 form a belief about the truth of such allegations, so same are denied.  
27

28 239. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
the allegations in Paragraph 239 of the Complaint.

1       240. Diamondback denies the allegations in Paragraph 240 of the Complaint and refers all  
2 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 240 of the  
3 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
4 form a belief about the truth of such allegations.

5       241. Diamondback denies the allegations in Paragraph 241 of the Complaint and refers all  
6 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 241 of the  
7 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
8 form a belief about the truth of such allegations, so same are denied.

9       242. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
10 the allegations in Paragraph 242 of the Complaint regarding any link between “gun trafficking from the  
11 United States” to “horrendous consequences in Mexico” and as well as the increase in illegal gun ownership  
12 and homicide rate in Mexico. Diamondback denies the remaining allegations in Paragraph 242 of the  
13 Complaint.  
14

15       243. Diamondback denies the allegations in Paragraph 243 of the Complaint.  
16

17       244. Diamondback denies the allegations in Paragraph 244 of the Complaint.  
18

19       245. Diamondback denies the allegations in Paragraph 245 of the Complaint.  
20

21       246. Diamondback denies the allegations in Paragraph 246 of the Complaint.  
22

23       247. Diamondback denies the allegations in Paragraph 247 of the Complaint. To the extent that  
24 the allegations in Paragraph 247 of the Complaint are directed to other defendants, Diamondback denies  
25 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

26       248. Diamondback denies the allegations in Paragraph 248 of the Complaint and refers all  
27 questions of law as to what damages are legally recoverable by Plaintiff to this Honorable Court.  
28

      249. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
the allegations in Paragraph 249 regarding life expectancy trends in Mexico, but denies the allegation that

1 deaths caused by firearms sold by Diamondback was causally related to any such downward trends. To the  
2 extent that the allegations in Paragraph 249 of the Complaint are directed to other defendants, Diamondback  
3 denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are  
4 denied.

5 250. Diamondback denies the allegations in Paragraph 250 of the Complaint.

6 251. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
7 the allegations in Paragraph 251 of the Complaint.

8 252. Diamondback denies the allegations in Paragraph 252 of the Complaint. To the extent that  
9 the allegations in Paragraph 252 of the Complaint are directed to other defendants, Diamondback denies  
10 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

11 253. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
12 the allegations in Paragraph 253 of the Complaint, and will hold Plaintiff to its proof in admissible form.

13 254. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
14 the allegations in Paragraph 254 of the Complaint, and will hold Plaintiff to its proof in admissible form.

15 255. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
16 the allegations in Paragraph 255 of the Complaint, and will hold Plaintiff to its proof in admissible form.

17 256. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
18 the allegations in Paragraph 256 of the Complaint, and will hold Plaintiff to its proof in admissible form.

19 257. Diamondback denies knowledge or information sufficient to form a belief about the truth of  
20 the allegations in Paragraph 257 of the Complaint, and will hold Plaintiff to its proof in admissible form.

21 258. Diamondback denies the allegations in Paragraph 258 of the Complaint. To the extent that  
22 the allegations in Paragraph 258 of the Complaint are directed to other defendants, Diamondback denies  
23 knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

24 259. Diamondback denies the allegations in Paragraph 259 of the Complaint and refers all  
25  
26  
27  
28

1 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 259 of the  
2 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
3 form a belief about the truth of such allegations, so same are denied.

4 260. Diamondback denies the allegations in Paragraph 260 of the Complaint and refers all  
5 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 260 of the  
6 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
7 form a belief about the truth of such allegations, so same are denied.  
8

## 9 **XI. CLAIMS FOR RELIEF**

### 10 **COUNT ONE** 11 **(NEGLIGENCE)**

12 261. Diamondback hereby repeats and incorporates by reference its response to each preceding  
13 and succeeding Paragraph as though fully set forth herein.

14 262. Diamondback denies the allegations in Paragraph 262 of the Complaint and refers all  
15 questions of law to this Honorable Court.

16 263. Diamondback denies the allegations in Paragraph 263 of the Complaint and refers all  
17 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 263 of the  
18 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
19 form a belief about the truth of such allegations, so same are denied.  
20

21 264. Diamondback denies the allegations in Paragraph 264 of the Complaint and refers all  
22 questions of law to this Honorable Court.

23 265. Diamondback denies the allegations in Paragraph 265 of the Complaint and refers all  
24 questions of law to this Honorable Court.  
25

### 26 **COUNT TWO** 27 **(PUBLIC NUISANCE)**

28 266. Diamondback hereby repeats and incorporates by reference its response to each preceding



and succeeding Paragraph as though fully set forth herein.

268. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

270. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

272. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

273. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

**COUNT THREE**  
**(NEGLIGENT ENTRUSTMENT)**

275. Diamondback denies the allegations in Paragraph 275 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 275 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

276. Diamondback denies the allegations in Paragraph 276 of the Complaint and refers all questions of law to this Honorable Court.



1       277. Diamondback denies the allegations in Paragraph 277 of the Complaint and refers all  
2 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 277 of the  
3 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
4 form a belief about the truth of such allegations, so same are denied.

5       278. Diamondback denies the allegations in Paragraph 278 of the Complaint and refers all  
6 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 278 of the  
7 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
8 form a belief about the truth of such allegations, so same are denied.

9       279. Diamondback denies the allegations in Paragraph 279 of the Complaint and refers all  
10 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 279 of the  
11 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
12 form a belief about the truth of such allegations, so same are denied.

13       280. Diamondback denies the allegations in Paragraph 280 of the Complaint and refers all  
14 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 280 of the  
15 Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to  
16 form a belief about the truth of such allegations, so same are denied.

17       281. Diamondback denies the allegations in Paragraph 281 of the Complaint.

18       282. Diamondback denies the allegations in Paragraph 282 of the Complaint and refers all  
19 questions of law to this Honorable Court.

20       283. Diamondback denies the allegations in Paragraph 283 of the Complaint and refers all  
21 questions of law to this Honorable Court.

22                                   **COUNT FOUR**  
23                                   **(NEGLIGENCE PER SE)**

24       284. Diamondback hereby repeats and incorporates by reference its response to each preceding  
25 and succeeding Paragraph as though fully set forth herein.

286. Diamondback denies the allegations in Paragraph 286 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 286 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

**COUNT FIVE**  
**(GROSS NEGLIGENCE)**

289. Diamondback denies the allegations in Paragraph 289 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 289 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

292. Diamondback denies the allegations in Paragraph 292 of the Complaint and refers all questions of law to this Honorable Court.

**COUNT SIX**

**(UNJUST ENRICHMENT AND RESTITUTION)**

294. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

295. Diamondback denies the allegations in Paragraph 295 of the Complaint. To the extent that the allegations in Paragraph 295 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

296. Diamondback denies the allegations in Paragraph 296 of the Complaint and refers all questions of law to this Honorable Court.

297. Diamondback denies the allegations in Paragraph 297 of the Complaint and refers all questions of law to this Honorable Court.

298. Diamondback denies the allegations in Paragraph 298 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 298 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

299. Diamondback denies the allegations in Paragraph 299 of the Complaint and refers all questions of law to this Honorable Court.

300. Diamondback denies the allegations in Paragraph 300 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 300 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

301. Diamondback denies the allegations in Paragraph 301 of the Complaint and refers all questions of law to this Honorable Court.

302. Diamondback denies the allegations in Paragraph 302 of the Complaint and refers all questions of law to this Honorable Court.

**COUNT SEVEN**  
**(ARIZONA'S CONSUMER FRAUD ACT)**

303. Diamondback hereby repeats and incorporates by reference its response to each precedent and succeeding Paragraph as though fully set forth herein.

304. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

305. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

306. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

307. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

308. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

309. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

**COUNT EIGHT**  
**(PUNITIVE DAMAGES)**

310. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

311. Diamondback denies the allegations in Paragraph 311 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 311 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

312. Diamondback denies the allegations in Paragraph 312 of the Complaint and refers all

1 questions of law to this Honorable Court.

2 313. Diamondback denies the allegations in Paragraph 313 of the Complaint and refers all  
3 questions of law to this Honorable Court.

4  
5 **COUNT NINE**  
6 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**  
7 **18 U.S.C. § 1962(c)**

8 **Defendant SnG Tactical**

9 314. Diamondback hereby repeats and incorporates by reference its response to each preceding  
10 and succeeding Paragraph as though fully set forth herein.

11 315. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
12 dismissed. As such, no response to this claim is required.

13 316. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
14 dismissed. As such, no response to this claim is required.

15 317. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
16 dismissed. As such, no response to this claim is required.

17 318. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
18 dismissed. As such, no response to this claim is required.

19 319. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
20 dismissed. As such, no response to this claim is required.

21  
22 **COUNT TEN**  
23 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**  
24 **18 U.S.C. § 1962(c)**

25 **Defendant Diamondback**

26 320. Diamondback hereby repeats and incorporates by reference its response to each preceding  
27 and succeeding Paragraph as though fully set forth herein.

28 321. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were

1 dismissed. As such, no response to this claim is required.

2 322. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
3 dismissed. As such, no response to this claim is required.

4 323. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
5 dismissed. As such, no response to this claim is required.

6 324. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
7 dismissed. As such, no response to this claim is required.

8 325. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
9 dismissed. As such, no response to this claim is required.

10  
11 **COUNT ELEVEN**  
12 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**  
13 **18 U.S.C. § 1962(c)**

14 **Defendant Sprague's Sports**

15 326. Diamondback hereby repeats and incorporates by reference its response to each preceding  
16 and succeeding Paragraph as though fully set forth herein.

17 327. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
18 dismissed. As such, no response to this claim is required.

19 328. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
20 dismissed. As such, no response to this claim is required.

21 329. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
22 dismissed. As such, no response to this claim is required.

23 330. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
24 dismissed. As such, no response to this claim is required.

25 331. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were  
26 dismissed. As such, no response to this claim is required.  
27  
28

**COUNT TWELVE**  
**(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**  
**18 U.S.C. § 1962(c)**

**Defendant Ammo AZ**

332. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

333. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

334. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

335. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

336. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

337. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

**COUNT THIRTEEN**  
**(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**  
**18 U.S.C. § 1962(c)**

**Defendant The Hub**

338. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

339. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.

340. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims were dismissed. As such, no response to this claim is required.





1 firearms to cartels, the foreign sources of firearms for cartels in Mexico, including those located in  
2 Central and South America, and the cartel members, associates, or agents thereof.

3 7. Any damages suffered by Plaintiff were proximately caused, in whole or in part, by the  
4 failure of Plaintiff to exercise reasonable care in curtailing and/or remedying the ongoing violence  
5 inflicted by the cartels on its own people, and therefore, Plaintiff's recovery, if any, must be diminished  
6 by the proportion of the negligence, acquiescence, and/or inaction of Plaintiff, which proximately caused  
7 or contributed to Plaintiff's alleged damages.

8 8. Any damages suffered by Plaintiff were proximately caused, in whole or in part, by the  
9 negligence or other actionable conduct of persons or entities other than Diamondback. Therefore, should  
10 Diamondback be found liable to Plaintiff as a result of the incidents alleged in the Complaint, the  
11 amount of Plaintiff's recovery, if any, should be no greater than an amount which is equal to  
12 Diamondback's proportionate share, if any, of the combined negligence or other actionable conduct of  
13 those persons or entities whose negligence or actionable conduct proximately caused Plaintiff's alleged  
14 damages.

15 9. Plaintiff has failed to mitigate its damages, if any, suffered as a result of the incidents set  
16 forth in the Complaint.

17 10. Plaintiff's claims for damages are barred by the economic loss rule.

18 11. Any damages suffered by Plaintiff were a direct and proximate result of superseding and  
19 intervening cause(s) based on the numerous criminal actions committed subsequent to any sale of  
20 firearms by Diamondback and before the alleged harm to Plaintiff.

21 12. Plaintiff is estopped from claiming the damages alleged against Diamondback in the  
22 Complaint because of Plaintiff's negligence, improper conduct, acquiescence and/or inaction in creating,  
23 failing to curtail or remedy the ongoing violence inflicted by the cartels on its own people, including the  
24 doctrine of unclean hands.

25 13. Plaintiff's claims for punitive and/or exemplary damages are precluded by operation of  
26 Ariz. Rev. Stat. § 12-689.

27 14. Plaintiff is not entitled to a damage award violative of Diamondback's due process and  
28 equal protection rights and other rights set forth in the United States Constitution or rights under the

Arizona Constitution. Diamondback expressly reserves any and all constitutional defenses, claims, and arguments against the imposition of punitive damages against it or the amount of same or in any other manner relating to punitive damages. Plaintiff's claim for punitive damages against Diamondback: violates the Sixth Amendment of the United States Constitution because Diamondback is not informed of the nature and cause of the accusations against it, and thus, the allegations are void for vagueness; violates Diamondback's rights to substantive and procedural due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution; violates the due process clause of Fourteenth Amendment to the United States Constitution; violates Diamondback's right to equal protection as provided in the Fourteenth Amendment to the United States Constitution; violates Diamondback's right to contract, as provided in Article I, Section 10 of the United States Constitution; exposes Diamondback to double jeopardy in violation of the Fifth Amendment of the United States Constitution; constitutes an impermissible burden on international and interstate commerce in violation of Article I, Section 8 of the United States Constitution; violates the separation of powers doctrine embodied in Article VI of the United States Constitution; and constitutes the imposition of an excessive fine in violation of Diamondback's rights provided in the Eighth Amendment of the United States Constitution. Plaintiff's claim for punitive or exemplary damages is further barred by Article 2, Section 4, of the Arizona Constitution.

15. Diamondback invokes the provisions of Title 12, Chapter 16 of the Arizona Revised Statutes, the Uniform Contribution Among Tortfeasors Act, including the right to contribution, pro rata shares, release, comparative negligence, the lack of joint and several liability, and apportionment of fault.

16. Plaintiff's claims against Diamondback are barred or should be reduced by the comparative fault of others, including, but not limited to, Plaintiff, pursuant to Ariz. Rev. Stat. § 12-2506.

17. Diamondback did not owe Plaintiff a legal duty to protect Plaintiff or its citizens from the particular risk of harm that caused, or was the substantial factor in causing, the incidents alleged in the Complaint.

18. Plaintiff lacks prudential standing based on its quasi-sovereign interest in the health and

1 well-being of its residents because *parens patriae* standing should not be recognized in a foreign nation  
2 unless there is a clear indication of intent to grant such standing expressed by the Supreme Court or by  
3 the two coordinate branches of government.

4 19. All or a portion of Plaintiff's claims are barred due to the law of the case doctrine.

5 20. Upon information and belief, Plaintiff, including its officials, agents, employees, and  
6 representatives, or others over whom they had control, spoliated evidence that was subject to discovery  
7 in this lawsuit and would be admissible evidence at trial, thereby depriving this Court and Diamondback  
8 of such evidence, and therefore, Plaintiff's suit should be barred or an adverse inference given to the  
9 jury in favor of Diamondback.

10 21. The Court lacks subject matter jurisdiction over this case.

11 22. There was no special relationship between Diamondback and Plaintiff and/or the third-  
12 party actors at fault, so Diamondback did not owe Plaintiff a duty as a matter of law.

13 23. Plaintiff's claims are in violation of the First Amendment of the United States  
14 Constitution, which guarantees Diamondback's right to commercial free speech.

15 24. Plaintiff's claims are in violation of the Second Amendment of the United States  
16 Constitution, which guarantees the right to bear arms, and the citizenry's right to access such arms from  
17 Defendant.

18 25. Plaintiff's claims are barred by the provisions of the Commerce Clause of the  
19 Constitution of the United States, Article I, Section 8.

20 26. Plaintiff's negligent entrustment claim fails because this cause of action is inapplicable in  
21 the context of the sales of chattel alleged in the Complaint.

22 27. Plaintiff's claims for relief before the Court violate the United States and Arizona State  
23 constitutional separation of powers in that Plaintiff seeks to have the judicial branch create legislative  
24 policy.

25 28. Plaintiff's claims are too remote and derivative to permit recovery as a matter of law.

26 29. Plaintiff's Complaint, which aggregates unidentified shootings by unidentified persons in  
27 unidentified circumstances over an unspecified period of time, is barred by the Seventh Amendment of  
28 the Constitution of the United States.

30. Plaintiff's claims are barred by the doctrine of laches.

31. Diamondback reserves the right to amend its answer to raise additional affirmative defenses that may be disclosed during discovery.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Diamondback demands a trial by jury of all issues triable of right by a jury in this action.

WHEREFORE, Diamondback hereby requests the following relief:

1. That Plaintiff takes nothing by his Complaint;
2. That Plaintiff's Complaint be dismissed with prejudice on the merits;
3. That Diamondback recovers its costs, attorney's fees, and disbursements herein; and
4. Such other relief as the Court herein deems just and equitable.

Dated: April 8, 2024

RENZULLI LAW FIRM LLP

By: /s/ Jeffrey Malsch  
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SNG Tactical, LLC and  
Sprague's Sports, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of April, 2024, I filed the foregoing using CM/ECF which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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By: /s/ Jeffrey Malsch